

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: B. T. Tolton et al.

Attorney Docket No.: LAMA122586

Application No.: 10/799,444

Art Unit: 2884 / Confirmation No: 6250

Filed: March 12, 2004

Examiner: Djura Malevic

Title: REMOTE SENSING OF GAS LEAKS

REQUEST FOR REFUND

January 30, 2008

DIRECTOR – U.S. PATENT AND TRADEMARK OFFICE:

ATTENTION: Refund Section, Accounting Division, Office of Finance

I. Refund Request

This is a request for a refund with respect to a charge to Deposit Account No. 03-1740 shown on the statement dated December 31, 2007, for the above-identified patent application. A copy of the relevant page of the monthly statement accompanies this request.

II. Fee Paid for Which Refund Requested

	Amount of Refund Requested
Extension of Term (Fee Code 2252)	\$170
Balance of second-month extension of time (1-month extension requested; 2-month extension charged)	\$170
Total Refund Requested:	\$170

III. Explanation of Why Payment Is in Error

On page 2 of the Advisory Action dated October 22, 2007 (copy submitted herewith), the box was checked which states, "The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, **WHICHEVER IS LATER.**" (Emphasis added.)

The final rejection, dated June 5, 2007, sets forth the standard time frame for such action: "A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**" The 3-month date was September 5, 2007. The expiration date of October 22, 2007 (the date of the Advisory Action), is later.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS™
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

A response to the Advisory Action was electronically filed and received on November 21, 2007, which is 30 days past October 22, 2007. Therefore, a 1-month extension of time was requested to be charged to our Deposit Account No. 03-1740. However, the PTO incorrectly charged us the fee for a 2-month extension. We corroborated with the Inventors Assistance Center that the response was timely filed in compliance with the time period set forth in the Advisory Action. Therefore, we are requesting a refund of the difference between the 1-month extension fee of \$60 and the 2-month extension fee of \$230, which is thus \$170.

IV. Manner of Refund

Please provide us with a refund by crediting Deposit Account No. 03-1740.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Kevan L. Morgan
Registration No. 42,015
Direct Dial No. 206.695.1712

Enclosures:

Copy of Advisory Action dated 10/22/2007 (pp. 1-2)
Copy of Monthly Statement of Deposit Account dated 12/31/07 (p. 1)

KLM:ctg

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100



UNITED STATES PATENT AND TRADEMARK OFFICE

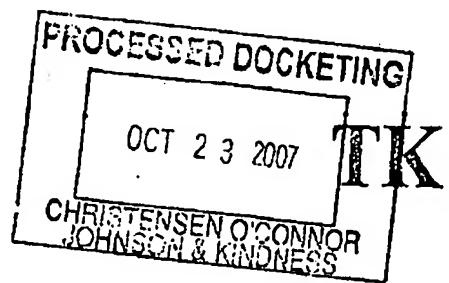
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,444	03/12/2004	Boyd T. Tolton	LAMA122586	6250
26389	7590	10/22/2007	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			MALEVIC, DJURA	
1420 FIFTH AVENUE			ART UNIT	PAPER NUMBER
SUITE 2800			2884	
SEATTLE, WA 98101-2347			MAIL DATE	DELIVERY MODE
			10/22/2007	PAPER
			DOCKETED	

→

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



**Advisory Act.
Before the Filing of an Appeal Brief**

Application No.	Applicant(s)
10/799,444	TOLTON ET AL.
Examiner Djura Malevic	Art Unit 2884

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 06 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) The period for reply expires _____ months from the mailing date of the final rejection.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) They raise new issues that would require further consideration and/or search (see NOTE below);
(b) They raise the issue of new matter (see NOTE below);
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s): _____.
6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-18, 20-25.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 
13. Other: _____.



UNITED STATES PATENT AND TRADEMARK OFFICE

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion with your check. Make checks payable to "Director of the USPTO."

CHRISTENSEN O'CONNOR JOHNSON & KINDNESS FINA
2800 PACIFIC FIRST CENTRE
1420 FIFTH AVENUE
SEATTLE WA 98101

Account No.
031740
Date
12-31-07
Page
1

PLEASE SEND REMITTANCES TO:
U.S. Patent and Trademark Office
P.O. Box 979065
St. Louis, MO 63197-9000

Call the Deposit Account Branch at 571-272-6500 for assistance.

DATE POSTED MO. DAY YR.	CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEES CODE	CHARGES/ CREDITS	BALANCE
12 3 07	1513	78579620	SIPT-2-32150	7004	300.00	27011.79
12 3 07	2709	11570087	OMER128580	8021	40.00	26971.79
12 3 07	3421	29279301	STIL129308	2502	410.00	26561.79
12 3 07	3700	10457079	UWOTL120095	1253	1050.00	25511.79
12 3 07	4290	11948560	UWOTL130502	1011	310.00	25201.79
12 3 07	4291	11948560	UWOTL130502	1111	510.00	24691.79
12 3 07	4292	11948560	UWOTL130502	1311	210.00	24481.79
12 3 07	5934	6743131	MLES115740	2551	465.00	24016.79
12 3 07	5949	10843098	MSFT122732	1251	120.00	23896.79
12 3 07	6081	11948727	SCJJ130070	4011	75.00	23821.79
12 3 07	6082	11948727	SCJJ130070	2111	255.00	23566.79
12 3 07	6083	11948727	SCJJ130070	2311	105.00	23461.79
12 3 07	6092	60991561	129861	1005	210.00	23251.79
12 3 07	6651	11180308	LEPA125710	1252	340.00	22911.79
12 3 07	6652	11180308	LEPA125710	1801	810.00	22101.79
12 3 07	6805	10955945	MSFT123373	1801	810.00	21291.79
12 3 07	6869	11625785	BSME128727	1814	130.00	21161.79
12 3 07	6872	11625785	BSME128727	1253	1050.00	20111.79
12 3 07	7450	78401868	BARK235914	8521	40.00	20071.79
12 3 07	7583	11948869		1011	310.00	19761.79
12 3 07	7584	11948869		1111	510.00	19251.79
12 3 07	7585	11948869		130000	130.00	19041.79
12 3 07	7586	11948869		130000	1202	18791.79
12 3 07	7587	11948869		130000	1201	18371.79
12 3 07	7590	10808948	MEIP122366	1501	1440.00	16931.79
12 3 07	7591	10808948	MEIP122366	1504	300.00	16631.79
12 3 07	7697	11251482	MEIP126519	1501	1440.00	15191.79
12 3 07	7698	11251482	MEIP126519	1504	300.00	14891.79
12 3 07	7950	10927261	SUSU123513	1251	120.00	14771.79
12 3 07	3	10799444	LAMA122586	2252	170.00	14601.79
12 3 07	1	11038780	ROTH123478	2251	60.00	14541.79
12 3 07	13564	78519505	PF00231837	7004	300.00	14241.79
12 3 07	13664	78634906	PF00232672	7004	300.00	13941.79
12 4 07	2852	77212269	VANS-2-35839/41 35831/34	8507	30.00	13911.79
12 4 07	2853	77212255	VANS-2-35839/41 35831/34	8507	30.00	13881.79
12 4 07	4513	11022054	MSFT124199	1501	1440.00	12441.79
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT			OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 12/03/2007

SWEST1 SALE #00000003 Mailroom Dt: 11/21/2007 031740 10799444
01 FC:2252 170.00 DA

Adjustment Date: 02/06/2008 HGBREMI
12/03/2007 SWEST1 00000003 031740 10799444
01 FC:2252 170.00 CR